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HOUSE BILL 1031

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY E. MACKO

AN ACT

RELATING TO PUBLIC PURCHASES AND PROPERTY; AMENDING THE PUBLIC WORKS MINIMUM WAGE ACT TO EXCLUDE THE CONSTRUCTION, ALTERATION, DEMOLITION OR REPAIR OF PRIMARY, SECONDARY OR POST-SECONDARY EDUCATIONAL BUILDINGS OR FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-4-11 NMSA 1978 (being Laws 1965, Chapter 35, Section 1, as amended) is amended to read:

"13-4-11. MINIMUM WAGES ON PUBLIC WORKS--WEEKLY PAYMENT-- POSTING WAGE SCALE--WITHHOLDING FUNDS.--Every contract or project in excess of twenty thousand dollars (\$20,000) to which the state or any political subdivision thereof is a party for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and

Underscored material = new
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1 [which] that requires or involves the employment of mechanics,
2 laborers or both shall contain a provision stating the minimum
3 wages to be paid to various classes of laborers and mechanics,
4 which shall be based upon the wages that will be determined by
5 the director of the labor and industrial division of the labor
6 department to be prevailing for the corresponding classes of
7 laborers and mechanics employed on contract work of a similar
8 nature in the state or locality, and every contract or project
9 shall contain a stipulation that the contractor, subcontractor,
10 employer or any person acting as a contractor shall pay all
11 mechanics and laborers employed on the site of the project,
12 unconditionally and not less often than once a week and without
13 subsequent unlawful deduction or rebate on any account, the full
14 amounts accrued at time of payment computed at wage rates not
15 less than those stated in the minimum wage rates issued for the
16 project.

17 A. For the purpose of making wage determinations,
18 the director of the labor and industrial division of the labor
19 department shall conduct a continuing program for the obtaining
20 and compiling of wage-rate information and shall encourage the
21 voluntary submission of wage-rate data by contractors,
22 contractors' associations, labor organizations, interested
23 persons and public officers. Before making a determination of
24 wage rates for any project, [he] the director shall give due
25 regard to the information thus obtained. Whenever the director

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1 deems that the data at hand are insufficient to make a wage
2 determination, he may have a field survey conducted for the
3 purpose of obtaining sufficient information upon which to make
4 determination of wage rates. Any interested person shall have
5 the right to submit to the director written data, views and
6 arguments why the wage determination should be changed.

7 B. The scale of wages to be paid shall be posted by
8 the contractor or person acting as a contractor in a prominent
9 and easily accessible place at the site of the work; and it is
10 further provided that there may be withheld from the contractor,
11 subcontractor, employer or any person acting as a contractor so
12 much of accrued payments as may be considered necessary by the
13 contracting officer to pay to laborers and mechanics employed on
14 the project the difference between the rates of wages required
15 by the director of the labor and industrial division of the
16 labor department to be paid to laborers and mechanics on the
17 work and the rates of wages received by such laborers and
18 mechanics and not refunded to the contractor, subcontractor,
19 employer or any person acting as a contractor or their agents.

20 C. The director of the labor and industrial division
21 of the labor department shall have authority to issue rules and
22 regulations necessary to administer and accomplish the purposes
23 of the Public Works Minimum Wage Act.

24 D. The provisions of the Public Works Minimum Wage
25 Act shall not apply to the construction, alteration, demolition

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1 or repair, or any combination of these, of any public primary,
2 secondary or post-secondary educational building or facility."

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